

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed July 22, 2005. In the Office Action, the Examiner rejects Claims 1-4, 6-10, 17-20, 22-24, 28, 29, 36-39, 41-44, 46-48, 50-53, 55, 56, 63-66, 68, 70-73, 75, 77 and 78. The Examiner objects to Claims 11, 13-16, 25, 26, 30-35, 45, 49, and 57-62. New Claims 79-88 have been added. For the reasons given below, Applicants submit that all pending and new claims are in condition for allowance.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication that Claims 11, 13-16, 25-26, 30-35, 45, 49, and 57-62 would be allowable if rewritten in independent form. However, this is the third time that the Examiner has indicated that certain claims would be allowable over a particular reference. The previous two times, Applicants amended each of the independent claims to include the limitations of one of these allowable claims. Both times, the Examiner issued another Office Action rejecting these amended independent claims in light of a new reference. Applicants previously amended the independent claims only to expedite allowance of the case. Since such an allowance has not been forthcoming, Applicants have again amended the independent claims to remove these previously added limitations. As described below, Applicants respectfully submit that the independent claims as amended are allowable over the cited references.

Section 102 Rejections

The Examiner rejects Claims 1-4, 6-10, 17-20, 22-24, 28-29, 36-39, 41-44, 46-48, 50-53, 55-56, 63-66, 68, 70-73, 75, and 77-78 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Number 6,751,459 issued to Lee et al. ("*Lee*").

"A claim is anticipated only if *each and every* element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. § 2131 (emphasis added). In addition, "[t]he *identical invention* must be shown in as

complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131 (emphasis added).

Independent Claim 1 of the present application, as amended, recites the following limitations:

A method for routing calls in a packet-based network, comprising:
receiving a call request at a first call manager from a device coupled to the packet-based network, the call request including a telephone number associated with a plurality of telephony devices coupled to the packet-based network and controlled by a plurality of call managers;
determining a line control process associated with the telephone number included in the call request;
communicating the call request to the line control process;
determining a device process controlling each telephony device associated with the telephone number included in the call request; and
communicating the call request from the line control process to the device processes.

Independent Claims 17, 36, 50, 66 and 73 include similar, although not identical, limitations.

Applicants respectfully submit that Claim 1 is allowable because *Lee* does not disclose each and every one of these limitations. For a teaching of all of these limitations, the Examiner cites to Column 4, lines 29-42 and Column 11, lines 17-53 (and associated Figure 4) of *Lee* (see Office Action, page 4). For example, the Examiner states that the passage at Column 4, lines 29-42 discloses a "gatekeeper provided to manage IP telephony for users including being employed to initiate IP telephony communications." Applicants fail to see how this discloses any of the limitations of Claim 1 (this passage only generally refers to the use of IP telephony communications). For example, the Examiner does not show how this or any other portion of *Lee* discloses "a plurality of telephony devices coupled to the packet-based network *and controlled by a plurality of call managers.*"

With respect to the passage at Column 11, lines 17-53 (and Figure 4), the Examiner explains that this discloses a "phone number used to access the phone and IP terminal having a IP address whereby the PID is used to identify the particular user associated with user

records.” Again, Applicants fail to see how this discloses any of the limitations of Claim 1. The Examiner fails to show how this passage (or any other portion of the reference) discloses “determining a line control process associated with the telephone number included in the call request,” “communicating the call request to the line control process,” “determining a device process controlling each telephony device associated with the telephone number included in the call request,” or “communicating the call request from the line control process to the device processes.” There is no disclosure of any sort of “processes” as claimed. Furthermore, the “process ID” (PID) that was recited in the previous version of Claim 1 is not the same as the PID disclosed in *Lee*. The PID of *Lee* is a “personal identifier.” For example, *Lee* discloses that this can be a telephone number or e-mail address of a user (see Column 5, lines 35-44). Although no longer in Claim 1, this interpretation of PID by the Examiner shows the faulty reasoning in attempting to assert that *Lee* discloses line control processes or device processes, much less using such processes as required by Claim 1.

Applicants respectfully submit that Claim 1 is in condition for allowance for at least the reasons provided above. Therefore, Applicants request reconsideration and allowance of Claim 1, as well as the claims that depend from Claim 1. Furthermore, because independent Claims 17, 36, 50, 66 and 73 include similar, although not identical, limitations to Claim 1, Applicants also request reconsideration and allowance of these independent claims, as well as the claims that depend from these independent claims. Favorable action is respectfully requested.

Furthermore, new Claims 79-87 include the limitations that were removed from independent Claims 1, 17, 36, 50, 66 and 73. These claims include limitations relating to the use of line control processes or device processes (as well as the use of process IDs to access these processes). Therefore, for the same reasons provided above, these new claims are also in condition for allowance. Favorable action is respectfully requested.

Moreover, in addition to being allowable due to their dependence on an allowable independent claim, many of the dependent claims of the application contain additional limitations not disclosed in *Lee*. For example, and not by way of limitation, *Lee* does not

disclose communicating a call request to a line control process executing at a second call manager, as recited by Claims 6, 22, 68, and 75. For a teaching of this limitation, the Examiner points to the PMDNS server receiving a request for telephony services from a user terminal. The Examiner does not explain how this discloses sending a request *to a line control process*, much less a line control process *at another call manager*. Furthermore, the user terminal is clearly not a first call manager, as required by these claims (assuming for the sake of argument that the PMDNS server is a second call manager). Because these limitations are not disclosed in *Lee*, Applicants respectfully request reconsideration and allowance of Claims 6, 22, 68, and 75.

Claims 8, 23, 42, and 55 are also further allowable because *Lee* does not disclose communicating a call request to multiple device processes in parallel. The passage cited by the Examiner as disclosing this limitation merely discloses splitting up a database for load sharing purposes. Applicants fail to see how the cited passage is at all relevant to these claims. There is simply no disclosure of any communications from a line control process to any device control process, much less to multiple device processes *in parallel*. For at least this additional reason, Applicants respectfully request reconsideration and allowance of Claims 8, 23, 42, and 55.

In addition, Claims 9, 24, 43, and 56 are allowable because *Lee* does not disclose communicating a call request to the multiple device processes in series. The passage cited by the Examiner as disclosing this limitation does not disclose communication of anything *in series*, much less communication of a call request to the multiple device processes in series. Applicants fail to see how the cited passage is at all relevant to these claims. For at least this additional reason, Applicants respectfully request reconsideration and allowance of Claims 9, 24, 43, and 56.

Conclusion

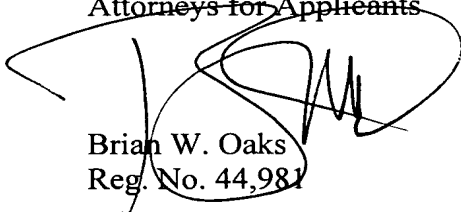
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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